

March 12, 2014

Item No. 6

**RECOMMENDATION TO APPROVE THE CHICAGO HOUSING AUTHORITY'S (CHA)
MEDICAL MARIJUANA POLICY**

To the Honorable Board of Commissioners:

RECOMMENDATION

It is recommended that the Board of Commissioners approve the CHA's Medical Marijuana Policy. The U.S. Department of Housing and Urban Development ("HUD") issued memorandums entitled "Medical Use of Marijuana in Public Housing," (September 24, 1999) and "Medical Marijuana Use in Public Housing and Housing Choice Voucher Programs" (February 10, 2011) that mandated all public housing authorities in states where medical marijuana is legalized adopt a policy prohibiting the use and possession of medical marijuana in public housing programs.

CORPORATE GOAL

- **Ensure that CHA's housing portfolio is safe, decent, and sustainable.**

Medical marijuana is an illegal drug under federal regulations, and prohibiting its usage and possession helps to ensure that applicants and residents of the CHA are not exposed to illegal drug activity in CHA programs.

EXPLANATION

Marijuana for medical use in the State of Illinois became legal on January 1, 2014 with the passing of the *Compassionate Use of Medical Cannabis Pilot Program Act*. The Act removed state-level criminal penalties on the use and possession of an adequate supply of marijuana by a registered qualified patient. *Public Act 098-0122*. Once this law came into effect, CHA was required by HUD to develop and adopt a Medical Marijuana Policy abiding by federal laws and the recommendations made by HUD. These policies are to apply to all housing assistance programs and to all current residents or applicants of these programs.

HUD's memorandum makes no distinction between the use or possession of medical marijuana by a member of the household and the use or possession of any illegal controlled substance. HUD states that the policy must prohibit admission to the program or admission to federally assisted housing for any household with a member who at the time of consideration is using or possessing medical marijuana. Additionally, HUD states that there must be a termination policy based on the use or possession of medical marijuana available to those current tenants or members receiving assistance. Public housing authorities have statutorily authorized discretion in the eviction or termination of services process when basing such action on the use or possession of medical marijuana as indicated by HUD. Further, HUD mandates that public housing authorities deny all reasonable accommodation requests made requesting the use or possession of medical marijuana pursuant to the HUD Fair Housing and Equal Opportunity Office's January 20, 2011, memorandum entitled, "Medical Use of Marijuana and Reasonable Accommodation in Federal Public and Assisted Housing."

The CHA's Medical Marijuana Policy incorporates all the requirements put forth in HUD's memorandum. Specifically, the CHA's Medical Marijuana Policy:

- Denies the admission of any applicant who is engaged in the use of medical marijuana to its programs.
- Maintains discretionary oversight in the treatment of current residents who use medical marijuana.
- Categorically denies any request for use of medical marijuana as a reasonable accommodation.

The Board action recommended in this item complies in all material respects with all applicable Chicago Housing Authority board policies.

The General Counsel concurs with the recommendation to approve the CHA's Medical Marijuana Policy.

The CEO/President recommends the approval to approve the CHA's Medical Marijuana Policy.

RESOLUTION NO. 2014-CHA-31

WHEREAS, the Board of Commissioners has reviewed the Board Letter dated March 12, 2014, entitled "RECOMMENDATION TO APPROVE THE CHICAGO HOUSING AUTHORITY'S MEDICAL MARIJUANA POLICY";

THEREFORE BE IT RESOLVED BY THE CHICAGO HOUSING AUTHORITY

THAT the Board of Commissioners hereby authorizes the Chief Executive Officer or his designee to approve the Chicago Housing Authority's Medical Marijuana policy.

THAT the Board of Commissioners hereby approves as an amendment the CHA's Medical Marijuana Policy to the current and all future iterations of the CHA's Admissions and Continued Occupancy Policy and the CHA's Administrative Plan for the Housing Choice Voucher Program.



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